



PUBLIC NOTICE

Federal Communications Commission
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DA 00-1274
June 12, 2000

**Pantellos Corporation Seeks Commission Determination of
"Exempt Telecommunications Company" Status Under the
Public Utility Holding Company Act**

NSD File No: ETC 00-20

Pleading Cycle Established

Comments Due: July 3, 2000

Reply Comments Due: July 10, 2000

On May 30, 2000, Pantellos Corporation ("Pantellos" or "Applicant"), pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935 ("PUHCA"), as added by section 103 of the Telecommunications Act of 1996, Pub. L. No. 104-104, filed an application requesting a Commission determination that it is an exempt telecommunications company ("ETC").

Pantellos is a Delaware corporation. It states that, to permit closing on its financing, this Application must be filed prior to closing, although the actual initial investors in Pantellos will not be known until closing. It is expected, however, that Pantellos will be owned, directly or indirectly, by the following companies: AEP Investments, Inc.; Cinergy Communications, Inc.; Consolidated Edison, Inc.; Duke Energy Supply Chain Services, LLC; Edison International; Entergy Corporation; FirstEnergy Ventures Corp.; FPL Group Capital Inc.; Pacific Gas & Electric Company; PSRC II, Inc.; Reliant Energy, Inc.; Sempra Energy e-Ventures; The Southern Company; Texas Utilities Co.; and Unicom Corporation. Pantellos states that it may initially be an affiliate of one or more of the above-listed companies within the meaning of section 2(a)(11)(B) of PUHCA. It states that it will amend its application immediately after closing if the initial investors differ from those included herein. Alternatively, if no change in this regard occurs upon closing, Pantellos will notify the Commission as such.

Pantellos states it will be engaged (as defined in PUHCA section 2(a)(11)(B)) directly or indirectly through one or more "affiliates," exclusively in the business of providing: (A) telecommunications services; (B) information services; (C) other services or products subject to the jurisdiction of the Commission; and/or (D) products or services that are related or incidental to the provision of such products or services described in (A), (B), or (C) above. Pantellos states it will provide supply chain management services through its secure Internet-based exchange that will enable electric and gas utilities and suppliers to buy and sell goods and services, an advanced search engine, and transaction software that will enable users to conveniently identify, locate, and

purchase products and services using company agreements or Pantellos agreements. It will also offer other value-added services to participants through the Internet exchange, including market analyses, consulting services, and industry forums.

In addition to or in lieu of the activities described above, Pantellos states that it may in the future engage in such other business activities as are consistent with the definition of an ETC set forth in section 34(a)(1) of PUHCA. These activities may include providing through the Internet exchange settlement services, asset tracking, contract compliance and performance, state and federal regulatory information and reporting, and engineering services. Pantellos further states that it may in the future obtain other e-commerce related businesses, and may as an integral part of its business purchase and re-sell assets through the Internet exchange.

In accordance with 47 C.F.R. section 1.5004, if the Commission does not issue an order denying an ETC application within 60 days of receipt of the applications, in this case, May 30, 2000, the application will be deemed granted as a matter of law. In accordance with 47 C.F.R. section 1.5003, a person applying in good faith for a Commission determination of ETC status is deemed to be an ETC from the date of receipt of the application, in this case, May 30, 2000, until the date of Commission action pursuant to 47 C.F.R. section 1.5004. In accord with 47 C.F.R. section 1.5005, the Secretary of the Commission is now notifying the Securities and Exchange Commission (SEC) that the Applicant is deemed to be exempt telecommunications company. In the event that the Commission issues an order within 60 days of receipt of the application denying the application, the Secretary will so notify the SEC. Otherwise, the Commission will take no further action to grant this application.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules. *See generally* 47 C.F.R. sections 1.1200 - 1.1206. Persons wishing to file comments, regarding the adequacy or accuracy of the Applicant's application requesting status as an ETC, must do so no later than **July 3, 2000**. All comments should also be served on the Applicant. Reply comments must be filed no later than **July 10, 2000**.

Interested parties should file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 Twelfth St., SW, Room TW-A325, Washington, D.C. 20554. In addition, parties should send one copy to ITS, at 1231 20th Street, NW, Washington, D.C. 20036 and two copies to Al McCloud, Common Carrier Bureau, Network Services Division, FCC, 445 12th Street, SW, Room 6-A320, Washington, D.C. 20554. All filings concerning any of the matters referenced in this Public Notice should refer to NSD File No. **ETC 00-20**. The application will be available for public inspection Monday through Friday in the FCC Reference Center, Portals II, 445 12th Street, SW, Suite CY-A257, Washington, D.C., 20554, (202) 418-0267.

For further information, contact Al McCloud, (202) 418-2499 (voice), amcccloud@fcc.gov or Marty Schwimmer, (202) 418-2320 (voice), mschwimm@fcc.gov, of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484.

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